MONTANA LEGISLATIVE HISTORY

Chapter 210 19 97

Bill H _____ S 148 Original bill & history ✓ C

H. Committee on Bus & Labor		S. Committee on Bus. Industry	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
3/14	✓C	1/24	✓C
_____	___C	1/30	✓C
_____	___C	_____	___C
Date Out 3/14	✓C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1/09 FISCAL NOTE REQUESTED
1/13 FISCAL NOTE RECEIVED
1/14 FISCAL NOTE PRINTED
2/05 HEARING
2/11 TABLED IN COMMITTEE
3/03 MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
DIED IN COMMITTEE

SB 147 INTRODUCED BY BISHOP *LC0909 DRAFTER: KURTZ*

REVISE THE PENALTIES FOR NONCOMPLIANCE WITH MOTOR VEHICLE INSURANCE REQUIREMENTS

1/09 INTRODUCED
1/09 FIRST READING
1/09 REFERRED TO BUSINESS & INDUSTRY
1/09 FISCAL NOTE REQUESTED
1/15 FISCAL NOTE RECEIVED
1/24 HEARING
2/05 TABLED IN COMMITTEE
3/03 MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
DIED IN COMMITTEE

SB 148 INTRODUCED BY BISHOP *LC0448 DRAFTER: MALY*

ALLOW RECIPROCITY AGREEMENTS FOR ISSUING PROFESSIONAL OR OCCUPATIONAL LICENSES TO PERSONS LICENSED IN ANOTHER STATE

1/09	INTRODUCED		
1/09	FIRST READING		
1/09	REFERRED TO BUSINESS & INDUSTRY		
1/24	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/06	2ND READING PASSED	49	0
2/07	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/08	FIRST READING		
2/08	REFERRED TO BUSINESS & LABOR		
3/14	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	96	0
3/26	3RD READING CONCURRED	96	3
	RETURNED TO SENATE		
4/02	SIGNED BY PRESIDENT		
4/03	SIGNED BY SPEAKER		
4/03	TRANSMITTED TO GOVERNOR		
4/07	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 210		
	EFFECTIVE DATE: 10/01/97		

SB 149 INTRODUCED BY BISHOP *LC0449 DRAFTER: KURTZ*

PROVIDE FOR REGULATION OF THE RECREATIONAL USE OF MONTANA'S PUBLIC WATERS IN CERTAIN CASES BY ALLOWING THE FISH, WILDLIFE, AND PARKS COMMISSION AND THE BOARD OF OUTFITTERS TO ADOPT AND ENFORCE RULES TO ADDRESS IMPACTS CAUSED BY RECREATIONAL USERS, TO PRESERVE A DIVERSITY OF RECREATIONAL OPPORTUNITIES, TO MINIMIZE RECREATIONAL USER CONFLICTS, OR TO PROTECT THE PUBLIC HEALTH, PUBLIC SAFETY, OR PROPERTY

1/09 INTRODUCED

SB BILL NO. 148

INTRODUCED BY Bishop

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING RECIPROCITY AS A CONDITION FOR ISSUING A PROFESSIONAL OR OCCUPATIONAL LICENSE TO A PERSON LICENSED IN ANOTHER STATE; AND AMENDING SECTION 37-1-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-1-304, MCA, is amended to read:

"**37-1-304. Licensure of out-of-state applicants -- reciprocity.** (1) A board may issue a license to practice without examination to a person licensed in another state if the board determines that:

(a) the other state's license standards at the time of application to this state are substantially equivalent to the standards in this state ~~and~~;

(b) the other state's licensure statutes and rules provide for similar reciprocity; and

(c) ~~that~~ there is no reason to deny the license under the laws of this state governing the profession or occupation.

(2) The license may not be issued until the board receives verification from the state or states in which the person is licensed that the person is currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or impairment."

-END-

fishing license. **SEN. BENEDICT** asked why a six-month paid up policy time frame was chosen. He said that they paid their insurance every three months. **SEN. BISHOP** responded that his policy is paid on a monthly basis. It would only be a one-time thing, if you paid the first six months then you could pay on a monthly basis after that. But he would defer to the committee if they could come up with a better time frame. But this is an important point, because the Motor Vehicle Dept. wants them to show a six-month paid policy when they pick up their vehicle.

Mr. Dean Roberts was asked to respond to the question of not having the proof of insurance in the vehicle. He stated Corrective 616-302 which is a given section of the statute, still allows you to go to the judge and show him the proof and the ticket would be dismissed.

SEN. DEBBIE SHEA asked for clarification on the six-month paid up insurance. She thought this was meant only for someone who had been convicted. **SEN. BISHOP** replied that was correct--not for everyone.

Closing by Sponsor:

SEN. BISHOP closed. It is a simple bill and I will see that these amendments I am proposing will be brought to you as quickly as possible. Something must be done to either get people insured or drop the whole thing if the law cannot be enforced.

{Tape: 1; Side: A; Approx. Time Count: 9:18 AM; Comments: N/A.}

HEARING ON SB 148

Sponsor: **SENATOR AL BISHOP, SD 9, BILLINGS**

Proponents: **Steve Malloy, Bureau Chief, Professional & Occupational Licensing Bureau**
Jerry Driscoll, MT Building & Construction Trades Council
A. Farrell Rose, MT Board of Real Estate Appraisers
Ron Van Diest, Electrical Assoc.
Dr. Donald Nordstrom, Board of Dentistry
Rose Hughes, MT Health Care Assoc.
Tom Olsen, MT Dental Hygienist Assoc.
Mona Jamison, Physical Therapist
Dr. Gerald Olson, MT Dental Assoc.
SEN. WILLIAM GLASER, SD 8, HUNTLEY
Dr. Tim Frank, retired dentist
REP. CARLEY TUSS, HD 46, GREAT FALLS

Opponents: **None**

Opening Statement by Sponsor:

SENATOR AL BISHOP, SD 9, BILLINGS. It is a simple bill. This bill will establish reciprocity as a condition for issuing a professional or occupational license to a person licensed in another state. **Steve Malloy**, Bureau Chief of the Professional and Occupational Licensing Bureau, will be available for questions. They have proposed an amendment **(EXHIBIT 1).**

Proponents' Testimony:

Jerry Driscoll, MT Building & Construction Trades Council. I asked **SEN. BISHOP** to put the plumbers in to help the electricians and this is the way the bill came out. The amendment makes it optional for the boards. We need the reciprocity. It was a mistake when it was repealed in HB 518 in last session. So we ask for a Do Pass with the amendment.

A. Farrell Rose, MT Board of Real Estate Appraisers. I am in support of the bill and submit written testimony **(EXHIBIT 2).**

Ron Van Diest, member, Electrical Board. I come in support of the bill as amended. This will allow the Board to accept licenses from other states. This will also allow Montanans to work in other states without having to obtain that state's license. **(EXHIBIT 3)**

Dr. Donald Nordstrom, Chairman, Board of Dentistry. The bill as originally presented would not have been good for our Board. We would support the bill with the amendments.

Rose Hughes, Executive Director, MT Health Care Assoc. The bill in its original form was too restrictive for reciprocity and we're opposed to that, but we saw the amendment just a short time ago and the amendment does address our concerns except that there is some additional language that you might want to look at. My work with boards tells me that if the language is not exceptionally clear, you don't know where the boards are going to land. Two concerns are: (1) in the amendment that reads "if the license applicant has substantially different qualifications", substantially different could mean substantially less or more. Obviously it would be an unintended result if someone who had more qualifications than Montana required would not be allowed in. It might seem ridiculous, but I have seen boards take actions that some of us would think are ridiculous. (2) the amendment also reads "the agreement shall not permit out-of-state licensees to obtain a license within this state", we might want to state "obtain a license through reciprocity". They can obtain a license if they go through some other procedure but you are not going to give it to them through reciprocity.

Tom Olsen, MT Assoc. of Dental Hygienists. We support the bill as amended and welcome **Ms. Hughes** comments that the clarification

of language she requested would make the bill more clear. The clearer, the better.

Mona Jamison, representing Physical Therapists of Montana. We support the bill as amended and further proposed to be amended by **Rose Hughes.**

Dr. Gerald Olson, MT Dental Assoc., Havre. We would also like to promote this bill as amended as it addresses our concerns of allowing the Board of Dentistry greater freedom in working toward substantial credentialing throughout the U.S. and Montana.

SEN. WILLIAM GLASER, SD 8, YELLOWSTONE CO. AREA. A letter **(EXHIBIT 4)**, has been given to the committee written by **Richard D. Zier, President, Yellowstone Electric Co.** This letter shows his reason for this bill and his support of it.

Dr. Tim Frank, retired Air Force dentist, Great Falls. I stand in support of this bill as amended. I came to advocate licensures by credentials and reciprocity. It is the growing trend in the U.S. Thirty-three states have it now.

REP. CARLEY TUSS, HD 46, GREAT FALLS. It was my piece of legislation in 1995 that led to this little problem that we are now experiencing. Prior to that time reciprocity was the standard way of guaranteeing a person with a license could move from state to state. We thought there was a better way and that endorsement was better across the board because that way the letters did not have to be constantly updated. We came to realize that was a good approach for a number of licenses but it was not a good approach for plumbers and electricians and for that reason I would ask for your support in this bill.

Opponents' Testimony: None

{Tape: 1; Side: A; Approx. Time Count: 9:34 AM; Comments: N/A.}

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT submitted wording for the amendment, Section 3. It would read "The agreement shall not permit out-of-state licensees to obtain a license (through reciprocity) within this state if the license applicant has substantially (sub-standard qualifications) as determined by the board on a case-by-case basis. **SEN. BISHOP** asked **Carol Grell, Staff Attorney, Department of Commerce** to respond. She stated that the amendment was offered by POL and Steve Malloy and the changes discussed would be acceptable.

SEN. CASEY EMERSON stated that in Montana we have a journeyman's license and a masters license. In Idaho there is no such thing as a masters license. Since we have different names in different states, do you think the board will look at the preparation or the training and make a proper decision in this because of the

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SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 1-24-97
BILL NO. SB 148

SB 148 By Request of Senator Al Bishop
Introduced Bill (White Copy)

Amendments Proposed by _____
January 23, 1997

1. Page 1, line 14
Undelete: "and"

2. Page 1, line 15
Strike: line 15 in its entirety
Reletter: subsequent subsections

3. Page 1
Following: line 20
Insert: (3) This statute shall not prevent a board from entering into a reciprocity agreement with a licensing authority from another state or jurisdiction. The agreement shall not permit out-of-state licensees to obtain a license within this state if the license applicant has substantially different qualifications as determined by the board on a case-by-case basis.

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SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 1-24-97
BILL NO. SB 148

BOARD OF REAL ESTATE APPRAISERS

DATE: January 24, 1997

TO: Senate Business and Labor Committee
John R. Hertel, Chair

FROM: Montana Board of Real Estate Appraisers
A. Farrell Rose, Chair

RE: SB 148; Reciprocity

Dear Chairman Hertel and Committee Members:

The Montana Board of Real Estate Appraisers is in favor of Senate Bill 148 dealing with Reciprocity Agreements with other states. In the practice of Real Estate Appraising, appraisers do work in other states from time to time. In order to enable our licensees to become licensed without having to exam and go through the application process in some states, a reciprocal agreement is required.

12 USC 3351 Section 1122(b) states, "The Appraisal Subcommittee shall encourage the States to develop reciprocity agreements that readily authorize appraisers who are licensed or certified in one State (and who are in good stating with their State appraiser certifying or licensing agency) to perform appraisals in other States." The Appraisal Subcommittee was established under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 USC 3332). If we are not allowed to reciprocate it would be looked upon as disregarding the spirit of Title XI.

We would also like to offer support to the amendment, "This statute shall not prevent a board from entering into a reciprocity agreement with a licensing authority from another state or jurisdiction....."

Thank you for allowing us to be heard.

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SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 3
DATE 1-24-97
BILL NO. SB 148

SENATE BILL 148

Amended

The State of Montana Electrical Licensing Board sincerely supports Senate Bill 148 which re-establishes reciprocity of Professional and Occupational Licenses as an option to the various boards.

This will enable the Montana Electrical Licensing Board to accept electrical licenses from other states so long as those states have licensing requirements substantially equal to Montana's licensing requirements. Additionally, this will afford Montana citizens with electrical licenses the ability to temporarily work in other states without the penalty of re-examination in each individual state.

Thank you for your consideration

FROM : YECO Photocopied from collections in the Montana Historical Society Archives TEL: 406 252 8965 JAN. 23. 1997 8:39 AM P 1

Yellowstone ELECTRIC CO.

ELECTRICAL CONTRACTORS

CONTRACTING OFFICE & SUPPLIES

RICHARD D. ZIER
President
GARY A. BECKER
Vice-President
RONALD H. SMITH
Secretary-Treasurer

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 4
DATE 1-23-97
BILL NO. SB 148

January 23, 1997

Senator Bill Glaser

RE: SENATE BILL 148

Dear Bill:

In regard to the above bill, I would like to let you know I support this bill.

In the construction industry, the work load varies and there are times when there is too much work for the available work force, and we must draw on out of state workers. If there is no work, our people must find work in other areas. If they could have reciprocity of licenses, it would make these transitions much easier.

I will be out of town and unable to be in Helena for the hearing of the bill. Please present this letter in support of this bill.

Sincerely,

YELLOWSTONE ELECTRIC CO.

Richard D. Zier

Richard D. Zier, President

RDZ:pjw

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those schools that are closed up until the law states otherwise. It would be incumbent upon the student to obtain the records when they graduate from the program or leave the school if this bill is passed into law.

CHAIRMAN JOHN HERTEL asked if this were turned over to the national level, how would this work? **REP. EWER** stated that this would not be the most satisfactory. Accreditation people are just as shrewd as any other business people and what they say is we will not accredit you until you have been in business two years, but then you cannot get a license until you are accredited and you can't get accredited until you have been in business two years. **CHAIRMAN HERTEL** then asked that if we did want to move to the national level, who would be in authority to cause that particular action to take place. **REP. EWER** stated that there is not an accrediting agency for the entire universe. It may be true for the travel agency business, but we have a number of businesses. He had no idea that there will indeed be a national accrediting agency for any post secondary proprietary school that wants to open up shop. He would ask for a comment from **Ms. Bartos. Ms. Bartos** replied that there are four schools that are accredited presently by a national accrediting agency in addition to being licensed by the State of Montana.

Closing by Sponsor:

REP. EWER closes. This is not an easy issue. I like this bill because it challenges us to make some tough decisions. If nothing else we must repeal the law or we must support the law and maintain the law. I will hand out a statistical report on proprietary schools **(EXHIBIT 3)**. I do support the amendment **(EXHIBIT 1)**. Thank you.

{Tape: 1; Side: B; Approx. Time Count: 10:02 AM; Comments: 16 MINUTE BREAK}

EXECUTIVE ACTION ON SB 148

{Tape: 1; Side: B; Approx. Time Count: 10:18 AM;; Comments: N/A.}

Motion: **SEN. WILLIAM CRISMORE MOVED DO PASS ON SB 148.**

Amendment Motion: **SEN. STEVE BENEDICT MOVED DO PASS ON AMENDMENT (EXHIBIT 4).**

Discussion: **Mr. Bart Campbell** explained that all the amendments had been merged and the final form is in **(EXHIBIT 4)**.

Amendment Vote : **The motion DO PASS on AMENDMENT CARRIED UNANIMOUSLY.**

Motion/Vote: **SEN. DEBBIE SHEA MOVED DO PASS AS AMENDED SB 148. The motion CARRIED UNANIMOUSLY.**

HEARING ON SB 148

Opening Statement by Sponsor: **Sen. Bishop,** S. D. 9 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: .5; Comments: None.}

Proponents' Testimony:
Ron Van Diest, Chairman State Electrical Board.
{Tape: 1; Side: 1; Approx. Time Count: 3.8; Comments: None.}

Jerry Driscoll, MT Building Trades
{Tape: 1; Side: 1; Approx. Time Count: 5.0; Comments: None.}

Lloyd Davison, IBEW #233
{Tape: 1; Side: 1; Approx. Time Count: 6.2; Comments: None.}

Darrel Holzer, AFL-CIO
{Tape: 1; Side: 1; Approx. Time Count: 7.0; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: **Sen. Bishop** closed. **Rep. Pavlovich** to carry in the house.
{Tape: 1; Side: 1; Approx. Time Count: 7.4; Comments: None.}

HEARING ON SB 193

Opening Statement by Sponsor: **Sen. Ken Miller,** S. D. 11 introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 8.1; Comments: None.}

Proponents' Testimony:
Don Allen, Mr. Electrical Contractors. Exhibit 1.
{Tape: 1; Side: 1; Approx. Time Count: 13.7; Comments: None.}

Doug Brecker, Townsend Electric
{Tape: 1; Side: 1; Approx. Time Count: 15.3; Comments: None.}

Jim Karls, Billings Electrician
{Tape: 1; Side: 1; Approx. Time Count: 16.1; Comments: None.}

Jim Wilson, Billings Electrician
{Tape: 1; Side: 1; Approx. Time Count: 17.0; Comments: None.}

Jack McClary, MT Electrical Contractors, EXHIBIT 2
{Tape: 1; Side: 1; Approx. Time Count: 17.6; Comments: None.}

Max Griffin, Action Electric
{Tape: 1; Side: 1; Approx. Time Count: 19.0; Comments: None.}

EXECUTIVE ACTION ON SB 148

Motion/Vote: **Rep. Pavlovich** moved do concur SB 148. Motion carried unanimously.
{Tape: 3; Side: 2; Approx. Time Count: 17.2; Comments: None.}

EXECUTIVE ACTION ON SB 34

Motion/Vote: **Rep. Masolo** moved do concur SB 34. Motion carried unanimously.
{Tape: 3; Side: 2; Approx. Time Count: 18.8; Comments: None.}

EXECUTIVE ACTION ON SB 116

Motion/Vote: **Rep. Krenzler** moved do concur SB 116. Motion carried unanimously.
{Tape: 3; Side: 2; Approx. Time Count: 19.0; Comments: None.}

EXECUTIVE ACTION ON SB 67

Motion: **Rep. Sliter** moved do concur SB 67.
{Tape: 3; Side: 2; Approx. Time Count: 20.3; Comments: None.}

Motion: **Rep. Bookout** moved to adopt Bookout amendment.
{Tape: 3; Side: 2; Approx. Time Count: 20.8; Comments: None.}

Discussion: *{Tape: 3; Side: 2; Approx. Time Count: 21.0; Comments: None.}*

Vote: Motion failed roll call vote 9-10.
{Tape: 4; Side: 1; Approx. Time Count: 4.8; Comments: None.}

Motion/Vote: **Rep. Ewer** moved to adopt Ewer amendments. Motion carried roll call vote 15-4.
{Tape: 4; Side: 1; Approx. Time Count: 13.0; Comments: None.}

Motion/Vote: **Rep. Tropila** moved to adopt Johnson amendments. Motion carried roll call vote 11-8.
{Tape: 4; Side: 1; Approx. Time Count: 15.0; Comments: None.}

Motion: **Rep. Devaney** moved do concur SB 67 as amended.
{Tape: 4; Side: 1; Approx. Time Count: 18.9; Comments: None.}

Discussion: *{Tape: 4; Side: 1; Approx. Time Count: 19.2; Comments: None.}*

Vote: Motion carried roll call vote 13-6.
{Tape: 4; Side: 2; Approx. Time Count: 1.0; Comments: None.}